



# Republican Policy Committee

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## **A Nondebatable Motion to Proceed?**

### **For Democratic Leadership, Minority Status Brings With It a Changing Perspective**

*"It is pretty obvious we are not going to be able to move it [S. 1, the Unfunded Mandates bill] quickly in the Senate because people are using the rules to frustrate efforts. That is the way it works. I do not fault that. I think we may have done that in the past a time or two."*

Senate Majority Leader Dole, *Congressional Record*, 1/17/95

On January 26, 1993, then Senate Majority Leader George Mitchell introduced Senate Resolution 25, to "amend the Standing Rules of the Senate to provide a nondebatable motion to proceed." Under Senator Mitchell's resolution, motions are debatable, "except those motions to proceed made by the Majority Leader, or his designee, on which there shall be a time limitation for debate of two hours equally divided between the Majority and Minority Leaders, or their designees." Senator Mitchell said his resolution was offered to promote efficiency in the Senate: "We cannot seriously address the problem of delay and inefficiency in the Senate without addressing these issues."

In essence, Senator Mitchell's resolution would have allowed the Senate to proceed to any piece of legislation (except those relating to the Standing Rules of the Senate), after two hours of debate. However, 60 votes would still have been required to invoke cloture during the actual consideration of a bill. What this means is that while any Senator would retain his ability to filibuster a bill, he would no longer be able to filibuster the motion to proceed.

The day Senator Mitchell introduced his proposed rules change, Senator Daschle took the floor and said:

*Mr. President, let me first commend the majority leader. I had the good fortune to listen to his explanation of these recommended rules changes, and I wholeheartedly endorse them. As one who has had the occasion so many different times to listen to the complaints on the part of my constituents and people throughout the country about the institutional gridlock they continue to view as they watch C-SPAN, I do not think anything would accelerate our opportunity to deal effectively with legislation better and more appropriately than the recommendations made by the leader . . .*

[*Congressional Record*, 1/26/93, S645, emphasis added]

Senator Daschle's comments from three years ago are especially enlightening this week. The Senate is debating H.R. 3019, the FY 96 Omnibus Appropriations Act, in which the largest component is Labor/HHS funding. The reason Labor/HHS appropriations is being considered in March of 1996, instead of September of 1995, is because the Democratic Leadership filibustered the motion to proceed to the bill, when the majority attempted to consider it last year. Senator Dole said on the Senate floor on December 17, 1995, "I want to make the record very clear. . . . the leadership on the Democratic side . . . will not let us bring this bill up."

Also this week, the Senate will again be debating the motion to proceed to S. Res. 227, the Whitewater Committee Extension. Senator Grams discussed the current Democratic Leadership filibuster of the motion to proceed on the Senate floor on March 12, 1996: "The question before the Senate today should have been whether or not we would authorize additional funding for the continued investigation into Whitewater. Unfortunately, the current filibuster that is underway prevents us from even considering this question or voting on either the resolution or the Democratic alternative."

This week the Senate will once again be offered the opportunity to vote on the motion to proceed to S. Res. 227, the Whitewater Committee Extension. When that vote occurs, for the fifth time, the question before the Senate will be, should the Senate be allowed to proceed to the legislation, or will the Democratic Leadership continue its filibuster of the motion to proceed?

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